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EXAMINER
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GRAHAM, PAUL J

ART UNIT	PAPER NUMBER
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2623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/781,796		CHOI, TAEK-KYUN	
	<b>Examiner</b>		<b>Art Unit</b>	
	PAUL J. GRAHAM		2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____.<br>5) <input type="checkbox"/> Notice of Informal Patent Application<br>6) <input type="checkbox"/> Other: _____. |
|---|--|

**DETAILED ACTION*****Response to Arguments***

1. Applicant Argues:
2. *Yi and Osann does not disclose independent claim 1.*
3. The Examiner respectfully disagrees. Amended claim 1 is taught by Yi and Osann. It has been noted that Yi is unclear on "a command for capture ..."; however, Yi does teach a command for capturing and transmitting a signal (see Yi, col. 12, l. 49-col. 13, l. 38, signal for capturing and transmitting enhanced media Services including 2-way video streaming and video conferencing). In fact, Yi teaches controlling the moving image to be displayed, given that video conferencing or an animated avatar is displayed (see Yi, col. 6, ll. 15-18). Within a control section of an apparatus for transmitting a signal of a moving image in mobile comm. (see Yi, col. 4, ll. 42-65, col. 6, l. 13-col. 7, l. 63)) fig. 2 shows display which acquires real-time streaming video (a moving image, see Yi, col. 4, ll. 42-52) or video-conferencing (see Yi, col. 4, ll. 42-55), as is known in the art, to display moving images signal simultaneously with transmission and capture of moving images signal. Again, Yi notes said control may be done with simultaneity (see Yi, col. 5, ll. 46-48, within a same transmission period). Therefore, Yi does suggest if not teach on the limitations of independent claim 1; further support for the non-obviousness and unpatentability of claim 1 is given with the combination of Osann, as explained below. With respect to the motivation to combine Yi and Osann, the Examiner disagrees with the applicant. In fact, motivation has been established, given that the alleged instant invention attempts to simultaneously control display of a moving image signal as well as the capture and transmission, Osann's invention teaches this given that "the party capturing (therefore controlling capture) and sending images (therefore controlling transmission) can clearly and easily observe what images are being captured (that is, they are displayed or controlling the display)(see Osann, [44]), this all takes place in an apparatus for transmitting a signal of moving image (note Osann, fig. 1 showing apparatus of transmitting and receiving mobile phones network) within a control section (see Osann, fig. 3 shows cell phone and fig. 7 shows a laptop computer, both inherently having processing systems including

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control sections for receiving and responding to command signals). The applicant is further directed to Office Action 1/28/08, page 3 for clarification.

*Yi and Osann does not disclose or teach transmitting the captured image.*

The Examiner respectfully disagrees. In fact, this is noted above that Osann teaches transmitting the captured image (see Osann, [44], this is what makes the combination so useful is that Osann displays the image (controlling the display) that is being transmitted (controlling the capture and transmission)). The reference cannot be any more simple and straight-forward on the matter.

With respect to “the Examiner acknowledges that Yi does not explicitly teach capturing an image which is being reproduced.” This information has been misapplied by applicant, the Office Action 1/28/08 denotes that “Yi does not explicitly teach **a command** for capture ...”. There is a clear difference and it is asserted that such allegation is opportunistic in lieu of a proper response.

***Reading the claims in the broadest sense***, Yi does teach a command for capturing and transmitting a signal (see Yi, col. 12, l. 49-col. 13, l. 38, signal for capturing and transmitting enhanced media Services including 2-way video streaming and video conferencing). Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988, F.2d 1181,26 USPQ2d 1057 (Fed. Cir. 1993). This means that claim 12 has been properly treated with respect to the current rejection.

*Kashio does not qualify as prior art.*

The Examiner disagrees. Kashio's effective filing date of 8/18/2003 does beat the effective filing date of the instant application (2/20/04). The date of 4/22/2003, the foreign priority date, may not be awarded until a perfected document has been shown to contain material in support of the instant application.

As such, the claims amended and not (claims 1-32) have been finally rejected.

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***Priority***

4. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 1, 2, 3, 5, 6, 9, 11-16, 18, 19, 22, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yi (US 7 003 040 B2) in view of Osann, Jr. (US 2004/0203608 A1).

As to claim 1, Yi discloses an apparatus for transmitting a signal of a moving image in a mobile communication terminal capable of reproducing the moving image, the apparatus comprising (see Yi, fig. 2, cell phone with camera):

an input section for generating signals for capturing and transmitting a moving image signal which is being reproduced (see Yi, fig. 3 shows control circuit coupled to keyboard and camera inputs, and fig. 9 shows the phone keyboard, camera lens and menu displayed for input to generate signals to capture and transmit a moving image signal (see Yi, col. 11, ll. 1-5, continuous video));

a control section for receiving, according to the signals generated by the input section (see Yi, fig. 3, control section is control circuit, responsive to keyboard or camera input), a command signal for capture and transmission of the moving image signal which is being reproduced, and

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controlling the moving image signal to be displayed while simultaneously controlling the displayed moving image signal to be captured and transmitted (Amended claim 1 is taught by Yi and Osann. It has been noted that Yi is unclear on "a command for capture ..."; however, Yi does teach a command for capturing and transmitting a signal (see Yi, col. 12, l. 49-col. 13, l. 38, signal for capturing and transmitting enhanced media Services including 2-way video streaming and video conferencing). In fact, Yi teaches controlling the moving image to be displayed, given that video conferencing or an animated avatar is displayed (see Yi, col. 6, ll. 15-18). Within a control section of an apparatus for transmitting a signal of a moving image in mobile comm. (see Yi, col. 4, ll. 42-65, col. 6, l. 13-col. 7, l. 63)) fig. 2 shows display which acquires real-time streaming video (a moving image, see Yi, col. 4, ll. 42-52) or video-conferencing (see Yi, col. 4, ll. 42-55), as is known in the art, to display moving images signal simultaneously with transmission and capture of moving images signal. Again, Yi notes said control may be done with simultaneity (see Yi, col. 5, ll. 46-48, within a same transmission period). Therefore, Yi does suggest if not teach on the limitations of independent claim 1; further support for the non-obviousness and unpatentability of claim 1 is given with the combination of Osann, as explained below. With respect to the motivation to combine Yi and Osann, the Examiner disagrees with the applicant. In fact, motivation has been established, given that the alleged instant invention attempts to simultaneously control display of a moving image signal as well as the capture and transmission, Osann's invention teaches this given that "the party capturing (therefore controlling capture) and sending images (therefore controlling transmission) can clearly and easily observe what images are being captured (that is, they are displayed or controlling the display)(see Osann, [44]), this all takes place in an apparatus for transmitting a signal of moving image (note Osann, fig. 1 showing apparatus of transmitting and receiving mobile phones network) within a control section (see Osann, fig. 3 shows cell phone and fig. 7 shows a laptop computer, both inherently having processing systems including control sections for receiving and responding to command signals);

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a memory for storing the image captured according to a capture command generated by the control section (see Yi, fig. 3, media memory coupled to the terminal control circuit is used for storage of the image captured);

and a transmission section for transmitting the captured image stored in the memory (see Yi, col. 4, ll. 45-50, stored image is transmitted through antenna);

Yi is unclear on a command for capture and transmission of the moving image signal which is being reproduced, the control section controlling the moving image signal to be displayed and simultaneously the displayed image to be captured and transmitted (see Osann, fig. 2a and [0043]-action of shutter button used to send command signal to capture moving image still, displaying on transmitter display until superceded (see Osann, [0043-44]-display to clearly observe what is being sent) and transmitted to receiving party (see Osann, [0044], In fact, this is noted above that Osann teaches transmitting the captured image (see Osann, [44], this is what makes the combination so useful is that Osann displays the image (controlling the display) that is being transmitted (controlling the capture and transmission)). The reference cannot be any more simple and straight-forward on the matter. With respect to "the Examiner acknowledges that Yi does not explicitly teach capturing an image which is being reproduced." This information has been misapplied by applicant, the Office Action 1/28/08 denotes that "Yi does not explicitly teach **a command** for capture ...". There is a clear difference and it is asserted that such allegation is opportunistic in lieu of a proper response).

***Reading the claims in the broadest sense***, Yi does teach a command for capturing and transmitting a signal (see Yi, col. 12, l. 49-col. 13, l. 38, signal for capturing and transmitting enhanced media Services including 2-way video streaming and video conferencing). Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988, F.2d 1181,26 USPQ2d 1057 (Fed. Cir. 1993).).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi with the system of Osann, to allow the user at the transmitting terminal to better view the image being sent (see Osann, [0044]).

As to claim 12, Yi discloses a method for transmitting a signal of a moving image in a mobile communication terminal capable of reproducing the moving image, the method comprising the steps of (see Yi, fig. 9 for mobile terminal and transmission, see Yi, col. 10, ll. 45-67 for method of transmitting signal, full-bandwidth streaming):

video-processing and reproducing the moving image signal (see Yi, fig. 4 for processing and reproducing signal and col. 11, ll. 1-5, full-bandwidth streaming video selection is processing and reproducing the signal via MPEG coding;

and transmitting the captured image (see Yi, col. 4, ll. 45-50, transmitting the image (see Yi, fig. 4) via antenna (Yi, fig. 9 antenna);

Yi is unclear on a command for capturing an image which is being reproduced; however Osann does teach this (see Osann, [0043] still image captured (as reproduced on display, In fact, this is noted above that Osann teaches transmitting the captured image (see Osann, [44], this is what makes the combination so useful is that Osann displays the image (controlling the display) that is being transmitted (controlling the capture and transmission)). The reference cannot be any more simple and straight-forward on the matter. With respect to "the Examiner acknowledges that Yi does not explicitly teach capturing an image which is being reproduced." This information has been misapplied by applicant, the Office Action 1/28/08 denotes that "Yi does not explicitly teach **a command** for capture ...". There is a clear difference and it is asserted that such allegation is opportunistic in lieu of a proper response).

***Reading the claims in the broadest sense***, Yi does teach a command for capturing and transmitting a signal (see Yi, col. 12, l. 49-col. 13, l. 38, signal for capturing and transmitting enhanced media Services including 2-way video streaming and video conferencing). Applicant is



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reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988, F.2d 1181,26 USPQ2d 1057 (Fed. Cir. 1993));

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi with the system of Osann, to allow the user at the transmitting terminal to better view the image being sent (see Osann, [0044]).

As to claim 2, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 1, wherein the captured image includes still image data (see Yi, col. 2, ll. 55-57, snapshots).

As to claim 3, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 1, wherein the captured image includes moving image data (see Yi, col. 2, ll. 55-57, real time video streams).

As to claim 5, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 2, wherein the file compressor compresses the still image data in one selected from the group of extensions consisting of Joint Photographic Experts Group (JPEG), BitMap (BMP), Graphics Interchange Format (GIF), Picture Image Compression (PIC), Tag Image File Format (TIFF), Portable Document Format (PDF), and Extension Post Script graphics (EPS) formats; however, Yi, who discloses a cell phone communication system, does teach a still image compressed in on of these formats (see Yi, col. 5, ll. 60-65, still image is JPEG compressed).

As to claim 6, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 3, wherein the file compressor compresses the moving image data in one selected from the group of extensions consisting of Moving Pictures Expert Group (MPEG), Advanced Streaming Format file (ASF), Advanced Streaming Redirect file (ASX), AVI, Data file for video CD MPEG movie (DAT), Animator Animation (FLI), Animator Animation most recent version of FLI format

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(FLC), Apple QuickTime Movie (MOV), MPEG Movie (MPG), Real Audio (RA), Real Media (RAM), Real Media (RM), MPEG layer 2 movie (VOB), and Vivo Active Movies (VIV) formats (see Yi, col. 5, ll. 60-65, video script is MPEG compressed).

As to claim 9, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 1, wherein the transmission section transmits a captured image, which is stored in the memory, by a phone-to-phone method (see Yi, col. 9, ll. 35-35 and fig. 9).

As to claim 11, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 1, further comprising a display section which includes a first display area for video-processing and displaying the moving image signal and a second display area for displaying a user function selection menu in such a manner that the menu can be selected by the input section (see Yi, fig. 2, display has 2 distinct areas, display section of image and user menu along side and bottom).

As to claims 22, 24 they are analyzed similar to claims 9, 11, respectively

As to claims 13-16, they are analyzed similar to claims 1, 2, 3, 1, respectively.

As to claim 19, it is analyzed similar to claim 6.

As to claim 18, it is analyzed similar to claim 5.

7. Claims 7, 8, 10, 20, 21, 23, 25, 26, 27, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yi, US 7003040 B2, and Osann, US 2004/0203608 A1, in view of Kashio, US 2004/0036700 A1.

As to claim 7, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 1,

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The combination of Yi and Osann is unclear on further comprising an image converter for converting a video image size of the captured image; however Kashio, who discloses a data communication device, does teach this (see Kashio, [0078]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi and Osann with the system of Kashio in order to allow the user flexibility in the size image viewed, a different resolution would allow the viewer to observe different details in the image (see Kashio, [0003-4]).

As to claim 8, Yi, Osann, and Kashio (as combined in claim 7) disclose an apparatus as claimed in claim 7, wherein the converted image size is one of dimensions including 128.times.112 dots and 128.times.96 dots (see Kashio, [0078], 128x96 pixels).

As to claim 10, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 1, wherein the transmission section transmits a captured image, which is stored in the memory,

The combination of Yi and Osann is unclear on transmitting a captured together with an email; however, Kashio does teach this (see Kashio, [0090,0098] stored image is attached to email for transmission).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi and Osann with the system of Kashio in send a captured image via email allowing the user to annotate the image with a caption or other message (see Kashio, [0098]).

As to claims 20, 21 and 23, they are analyzed similar to claims 7, 8 and 10, respectively.

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As to claim 25, Yi discloses an apparatus for transmitting a signal of a moving image in a mobile communication terminal capable of reproducing the moving image, the apparatus comprising (see Yi, fig. 2, cell phone with camera):

an input section for generating signals for capturing and transmitting a moving image signal which is being reproduced (see Yi, fig. 3 shows control circuit coupled to keyboard and camera inputs, and fig. 9 shows the phone keyboard, camera lens and menu displayed for input to generate signals to capture and transmit a moving image signal (see Yi, col. 11, ll. 1-5, continuous video));

a control section for receiving, according to the signals generated by the input section (see Yi, fig. 3, control section is control circuit, responsive to keyboard or camera input), a command signal for capture and transmission of the moving image signal which is being reproduced, and controlling the moving image signal to be displayed while simultaneously controlling the displayed moving image signal to be captured and transmitted (Amended claim 1 is taught by Yi and Osann. It has been noted that Yi is unclear on "a command for capture ..."; however, Yi does teach a command for capturing and transmitting a signal (see Yi, col. 12, l. 49-col. 13, l. 38, signal for capturing and transmitting enhanced media Services including 2-way video streaming and video conferencing). In fact, Yi teaches controlling the moving image to be displayed, given that video conferencing or an animated avatar is displayed (see Yi, col. 6, ll. 15-18). Within a control section of an apparatus for transmitting a signal of a moving image in mobile comm. (see Yi, col. 4, ll. 42-65, col. 6, l. 13-col. 7, l. 63)) fig. 2 shows display which acquires real-time streaming video (a moving image, see Yi, col. 4, ll. 42-52) or video-conferencing (see Yi, col. 4, ll. 42-55), as is known in the art, to display moving images signal simultaneously with transmission and capture of moving images signal. Again, Yi notes said control may be done with simultaneity (see Yi, col. 5, ll. 46-48, within a same transmission period). Therefore, Yi does suggest if not teach on the limitations of independent claim 1; further support for the non-obviousness and unpatentability of claim 1 is given with the combination of Osann, as explained below. With respect to the motivation to combine Yi and Osann, the Examiner disagrees with the applicant. In fact,

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motivation has been established, given that the alleged instant invention attempts to simultaneously control display of a moving image signal as well as the capture and transmission, Osann's invention teaches this given that "the party capturing (therefore controlling capture) and sending images (therefore controlling transmission) can clearly and easily observe what images are being captured (that is, they are displayed or controlling the display)(see Osann, [44]), this all takes place in an apparatus for transmitting a signal of moving image (note Osann, fig. 1 showing apparatus of transmitting and receiving mobile phones network) within a control section (see Osann, fig. 3 shows cell phone and fig. 7 shows a laptop computer, both inherently having processing systems including control sections for receiving and responding to command signals);

a memory for storing the image captured according to a capture command generated by the control section (see Yi, fig. 3, media memory coupled to the terminal control circuit is used for storage of the image captured);

and a transmission section for transmitting the captured image stored in the memory (see Yi, col. 4, ll. 45-50, stored image is transmitted through antenna);

Yi is unclear on a command for capture and transmission of the moving image signal which is being reproduced, the control section controlling the moving image signal to be displayed and simultaneously the displayed image to be captured and transmitted (see Osann, fig. 2a and [0043]-action of shutter button used to send command signal to capture moving image still, displaying on transmitter display until superceded (see Osann, [0043-44]-display to clearly observe what is being sent) and transmitted to receiving party (see Osann, [0044] Yi is unclear on a command for capture and transmission of the moving image signal which is being reproduced, the control section controlling the moving image signal to be displayed and simultaneously the displayed image to be captured and transmitted (see Osann, fig. 2a and [0043]-action of shutter button used to send command signal to capture moving image still, displaying on transmitter display until superceded (see Osann, [0043-44]-display to clearly observe what is being sent) and transmitted to receiving party (see Osann, [0044], In fact, this is noted above that Osann teaches

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transmitting the captured image (see Osann, [44], this is what makes the combination so useful is that Osann displays the image (controlling the display) that is being transmitted (controlling the capture and transmission)). The reference cannot be any more simple and straight-forward on the matter. With respect to "the Examiner acknowledges that Yi does not explicitly teach capturing an image which is being reproduced." This information has been misapplied by applicant, the Office Action 1/28/08 denotes that "Yi does not explicitly teach **a command** for capture ...". There is a clear difference and it is asserted that such allegation is opportunistic in lieu of a proper response)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi with the system of Osann, to allow the user at the transmitting terminal to better view the image being sent (see Osann, [0044]).

The combination of Yi and Osann is unclear on a television signal; however, Kashio does teach this (see Kashio, [0007]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi and Osann with the system of Kashio in order to allow the user of the system to capture a television signal adding to the robustness of the mobile device's capabilities (see Kashio, [0007], video means television).

As to claim 26, Yi discloses a method for transmitting a signal of a moving image in a mobile communication terminal capable of receiving the moving image, the method comprising the steps of (see Yi, fig. 9 for mobile terminal and transmission, see Yi, col. 10, ll. 45-67 for method of transmitting signal, full-bandwidth streaming):

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video-processing and displaying the moving image signal (see Yi, fig. 4 for processing and reproducing signal and col. 11, ll. 1-5, full-bandwidth streaming video selection is processing and reproducing the signal via MPEG coding;

and transmitting the captured image (see Yi, col. 4, ll. 45-50, transmitting the image (see Yi, fig. 4) via antenna (Yi, fig. 9 antenna);

Yi is unclear on capturing an image which is being reproduced; however Osann does teach this (see Osann, [0043] still image captured (as reproduced on display);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi with the system of Osann, to allow the user at the transmitting terminal to better view the image being sent (see Osann, [0044]);

The combination of Yi and Osann is unclear on a television signal; however, Kashio does teach this (see Kashio, [0007]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi and Osann with the system of Kashio in order to allow the user of the system to capture a television signal adding to the robustness of the mobile device's capabilities (see Kashio, [0007], video means television).

As to claim 27, Yi discloses a method for transmitting a signal of a moving image in a mobile communication terminal capable of receiving the moving image, the method comprising the steps of (see Yi, fig. 9 for mobile terminal and transmission, see Yi, col. 10, ll. 45-67 for method of transmitting signal, full-bandwidth streaming):

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video-processing and displaying the moving image signal (see Yi, fig. 4 for processing and reproducing signal and col. 11, ll. 1-5, full-bandwidth streaming video selection is processing and reproducing the signal via MPEG coding;

and transmitting the captured image (see Yi, col. 4, ll. 45-50, transmitting the image (see Yi, fig. 4) via antenna (Yi, fig. 9 antenna);

Yi is unclear on capturing an image which is being reproduced; however Osann does teach this (see Osann, [0043] still image captured (as reproduced on display);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi with the system of Osann, to allow the user at the transmitting terminal to better view the image being sent (see Osann, [0044]);

The combination of Yi and Osann is unclear on a television signal; however, Kashio does teach this (see Kashio, [0007]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi and Osann with the system of Kashio in order to allow the user of the system to capture a television signal adding to the robustness of the mobile device's capabilities (see Kashio, [0007], video means television).

As to claim 28, Yi discloses a method for transmitting a signal of a moving image in a mobile communication terminal capable of receiving the moving image, the method comprising the steps of (see Yi, fig. 9 for mobile terminal and transmission, see Yi, col. 10, ll. 45-67 for method of transmitting signal, full-bandwidth streaming):



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video-processing and displaying the moving image signal (see Yi, fig. 4 for processing and reproducing signal and col. 11, ll. 1-5, full-bandwidth streaming video selection is processing and reproducing the signal via MPEG coding;

and transmitting the captured image (see Yi, col. 4, ll. 45-50, transmitting the image (see Yi, fig. 4) via antenna (Yi, fig. 9 antenna);

Yi is unclear on capturing an image which is being reproduced; however Osann does teach this (see Osann, [0043] still image captured (as reproduced on display);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi with the system of Osann, to allow the user at the transmitting terminal to better view the image being sent (see Osann, [0044]);

The combination of Yi and Osann is unclear on a television signal; however, Kashio does teach this (see Kashio, [0007]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi and Osann with the system of Kashio in order to allow the user of the system to capture a television signal adding to the robustness of the mobile device's capabilities (see Kashio, [0007], video means television);

The combination of Yi and Osann is unclear on capturing a moving image for a capture time according to a capture start command and a capture end command of the displayed moving image; however, Kashio does teach this (see Kashio, [0086-0087], image pickup mode is started, as the key continues to be pressed down, the operation records, then stops when the key is no longer depressed (capture end command));

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi and Osann with the system of Kashio in order to store a length of video content according to control of the capture device allowing the user to save the content and view later or transmit later (see Kashio, [0030-31]).

8. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

9. Claims 4, 17, and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yi, US 7003040 B2, and Osann, US 2004/0203608 A1, in view of Thomason, US 6317039 B1.

As to claim 4, Yi and Osann (as combined in claim 1) disclose an apparatus as claimed in claim 1,

The combination of Yi and Osann does not teach further comprising a file compressor for compressing the captured image; however, in an analogous art, Thomason does teach this (see Thomason, col. 4, l. 62-col. 5, l. 7);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Yi and Osann with the system of Thomason so that the mobile terminal has the capacity to compress data captured and use less bandwidth for transmission as the MPEG scheme will allow (see Thomason, col. 5, ll. 5-7).

As to claim 17, it is analyzed similar to claim 4.

As to claims 29, and 31, they are analyzed similar to claim 5.

As to claims 30, and 32, they are analyzed similar to claim 6.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Inquiries***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul J. Graham whose telephone number is 571-270-1705. The examiner can normally be reached on Monday-Friday 8:00a-5:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

pjg  
8/21/08

/Vivek Srivastava/

Supervisory Patent Examiner, Art Unit 2623